

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE SEPTEMBER 11 LITIGATION :
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ORDER

21 MC 97 (AKH)

ALVIN K. HELLERSTEIN, UNITED STATES DISTRICT JUDGE:

WHEREAS I have before me consolidated cases filed by legal successors of those who died, and by those who were injured, in the September 11, 2001 terrorist-related airplane crashes to recover damages for breaches of duties of care owed to the decedents and the injured;

WHEREAS by Order dated February 19, 2004 I dismissed actions in these cases that remained on the Suspense Docket and identified Active cases;

WHEREAS some plaintiffs in Active cases appear to have submissions pending before the Victim Compensation Fund (VCF);

WHEREAS a claimant to the VCF “waives the right to file a civil action (or to be a party to an action) in any Federal or State court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001,” except for actions for collateral sources or against a knowing participant to the terrorist acts. See The Air Transportation Safety and System Stabilization Act 49 U.S.C. § 40101, Title IV Victim Compensation, § 405(c)(3)(B), Pub. L. No. 107-42, 115 Stat. 230, 240 (Sept. 22, 2001), as amended by Pub. L. No. 107-71, § 201, 115 Stat. 597, 645 (Nov. 19, 2001);

IT IS HEREBY ORDERED that the Victim Compensation Fund submit a list of claimants and the state of their applications to this court pursuant to 5 U.S.C. § 552a (b)(11) to determine which plaintiffs are simultaneously pursuing claims with the VCF. The list shall be

filed under seal with the court. Those cases with claims pending before the VCF will be identified separately in a show cause order to the parties that will be publicly filed.

SO ORDERED.

Dated: New York, New York
February 25, 2004

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ALVIN K. HELLERSTEIN
United States District Judge